IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 37903 of 2007(K)

PETITIONER:

MULTI AFFAIRS RESOURCES SOUK (MARS)
42/1219D, 2ND FLOOR, KADEEJA BUILDING, ERG ROAD, KOCHI 18
REPRESENTED BY ITS PROPRIETOR M.A.A IBRAHIM.

BY ADV. SRI.BIJU .C. ABRAHAM

RESPONDENTS:

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1. STATE OF KERALA REP. BY ITS
SECRETARY TO LOCAL ADMINISTRATION,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

2. THE THURAVUR GRAMA PANCHAYATH
REP. BY ITS SECRETARY, GRAMA PANCHAYAT OFFICE,
THURAVUR.

3. THE TRIBUNAL FOR LOCAL SELF GOVERNMENT INSTITUTIONS.
(ADDL. R3 IS IMPLEADED AS PER JUDGMENT)

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 37903 of 2007

Dated this the 19th day of December , 2007

JUDGMENT

The Tribunal for Local Self Government Institutions is impleaded suo motu as additional 3rd respondent int his writ petition. The Registry will carry out necessary corrections in the cause title. The learned Government Pleader takes notice for the additional 3rd respondent.

2. Under challenge in this writ petition is Ext.P7 order issued by the Secretary of the Panchayat. Though the order is signed by the Secretary of the Panchayat, it is seen that the order is issued on the basis of a resolution of the Council.

3. Under the above circumstances, the petitioner is to prefer an appeal to the Tribunal for Local Self Government Institutions and not to the Council of the Panchayat. Ext.P8 is seen submitted before the Council of the Panchayat. I relegate the petitioner to his remedy by way of appeal to the Tribunal for Local Self Government Institutions. If the Tribunal receives appeal from the petitioner against Ext.P7 within two weeks from today, the Tribunal will entertain that appeal

and dispose of the same in accordance with law notwithstanding the apparent delay.

Any contract, which the 2nd respondent may enter into with anybody else in the meanwhile will be subject to the decision of the Tribunal in the prospective appeal.

PIUS C. KURIAKOSE,

JUDGE.

dpk